Protection of Source Selection Information (SSI)

Briefer:

Purpose

- **Increase understanding of what SSI is and why it should be protected**
- **Expand awareness of “best practices” used in handling and safeguarding SSI**
- **Reduce the likelihood of an inappropriate or inadvertent disclosure of SSI**

Outline

- **Source Selection Information (SSI) Definitions**
- **SSI Protection Responsibility**
- **Exchanges with Industry**
- **Best Practices**
- **Key Points to Remember**
- **Concluding Statement**

SSI Definitions

- **Source Selection Information (FAR 2.101) Information used for the purpose of evaluating a bid or proposal that has not been previously made available to the public or disclosed publicly. Examples are:**
  - **Source Selection Plan**
  - **Information submitted in response to a bid or proposal**
  - **Reports, evaluations, competitive range determination, and rankings of source selection panel, boards, or advisory councils**
  - **Other information marked "Source Selection Information", if disclosed, could jeopardize the integrity of the procurement to which it relates**

- **Contractor Bid of Proposal Information (FAR 3.104-1) Any of the following submitted in connection with a bid or proposal that has not been previously made available to the public or disclosed publicly:**
  - **Cost or pricing data**
  - **Indirect cost and direct labor rates**
  - **Proprietary information**
  - **Contractor bid or proposal information**
  - **Information marked with other restrictions**

SSI Protection Responsibility

THE PROTECTION OF SSI IS EVERYONE'S RESPONSIBILITY

FAR 3.104-3 states that a person by virtue of their position, and having access to SSI, must not disclose contractor bid, proposal, or SSI, before the award of a contract to which the information relates.

Exchanges With Industry

- **Before Receipt of Proposals (FAR 15.201)**
  - **Exchanges of information among all interested parties, from the earliest identification of a requirement through receipt of proposals, are encouraged**
  - **Exchanging information improves the understanding of requirements and industry capabilities, and increases efficiency in proposal preparation, proposal evaluation, negotiation, and contract award**
  - **General information about a program may be disclosed at any time. When specific information about a proposed acquisition that would be necessary for the preparation of proposals is disclosed to one or more potential offerors, that information must be made available to the public as soon as practicable in order to avoid creating an unfair competitive advantage**
  - **Examples of more specific information would be draft requirements, technical, or RFP documents**

Exchanges With Industry

- **Information provided to a potential offeror in response to its request must not be disclosed if doing so would reveal the potential offeror's confidential business strategy**

- **When conducting a pre-solicitation or pre-proposal conference, materials distributed at the conference should be made available to all potential offerors, upon request**

Exchanges With Industry

- **After Receipt of Proposals (FAR 15.306)**
  - **Exchanges, between the Government and offerors may occur to; clarify certain aspects of proposals or to resolve minor or clerical errors, to enhance Government understanding of proposals; allow reasonable interpretation of the proposal; or facilitate the Government's evaluation process**
  - **After release of the solicitation, the contracting officer must be the focal point of any exchange with potential offerors**
- **Government personnel involved in the acquisition shall not:**
  - **Reveal an offeror's technical solution or any information that would compromise an offeror's intellectual property to another offeror**
  - **Reveal an offerors price without that offeror's permission**
  - **Reveal the names of individuals providing reference information about an offeror's past performance; or**
  - **Knowingly furnish source selection information**

SSI Physical Security

- **Media storage devices prohibited**
  - **Cell phones with cameras**
  - **USB thumb drives**
  - **PDAs**
- **Everything brought in to the Source Selection Facility must stay until end of Source Selection**
- **Protection of “Source Selection” information and protection of “classified” information are separate and governed under different procedures**

Best Practices

- **Before Receipt of Proposals**
  - **Establish a process that spells out the procedures for the handling and distribution of all source selection documentation**
  - **Train all members of the acquisition team regarding the control and release of SSI**
  - **Include detailed policy/instructions for protecting SSI in the Source Selection Plan**
  - **Open electronic documents <u>before</u> they are posted on the website or emailed to verify documents and prevent inadvertent release of SSI**
  - **Ensure publicly posted electronic data is “read only”**
  - **Verify disseminated information is properly marked IAW FAR 2.101 and 3.104**

SSI Marking

- **At top and bottom of each page, the following markings should appear**
  - **“Source Selection Information—IAW FAR 3.104”**
- **Applicable to all information in facility, including notes**

Best Practices

- **After Receipt of Proposals**
  - **Ensure the entire Source Selection Evaluation Team understands the policy and procedures regarding SSI**
  - **Ensure all people receiving SSI are instructed to comply with applicable standards of conduct and sign Non Disclosure Agreements**
  - **Proposal shall be safeguarded from unauthorized disclosure throughout the entire source selections process**
  - **Assign each offeror a distinctive color and password**
    - **Ensure all people generating SSI carefully review their data to ensure it is appropriately marked with external marking of offeror's distinctive color. This includes floppies or CDs**
  - **Clearly mark all evaluation data with offeror identity – ALL PAGES AND ALL FILES!**

Best Practices

- **Each offeror's proposal shall be stored in a separate location**

  - Classified information must be stored in a safe

- **Do not discuss SSI with or in the presence of unauthorized personnel**

- **When preparing data for release:**

  - **Use checklist for protection of SSI**
  - **Have two people verify each package is correctly identified with offeror's name**
  - **Paper files will be reviewed cover to cover by the buyer and then the PCO**
  - **Electronic media will be opened and reviewed in it's entirety, including notes and links, by the buyer and then the PCO prior to release**

- **Do not release SSI/EN by email to any offeror**

- **PCO is ultimately responsible for ensuring protection of SSI**

- **A checklist for protection of SSI is to be prepared, initialed by the PCO, and then filed in the contract file IAW SSP policy**

Key Points to Remember

- **Utmost care must be taken for the protection of source selection information**
- **Integrity of the source selection process must be maintained at all times**
- **Ensure any hard copy or electronic transmission is properly marked**
- **Do not use email for communication with offerors**
- **Historical information may contain SSI – ensure JA concurrence prior to any release**
- **Once identified as Source Selection Information, it remains SSI until properly destroyed**
- **Remember the two-man review before the release of any SSI or EN**
- **Check the last page of transmittal media!**
- **CHECK, DOUBLE CHECK, AND BE CERTAIN!**

Concluding Statement

- **Protection of SSI is <u>everyone's</u> responsibility!**

- **Implement best practices and remember key points to help ensure there isn't an inadvertent release of SSI**

- **The inadvertent release of SSI has severe consequences!**

  - May invalidate Source Selection

  - Potential additional cost to government

- **Any inadvertent release of information will be briefed to Center CC**